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Office of Legislative Affairs

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Office of the Assistant Attorney General

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MEMORANDUMTO: Ron Peterson
OMBFROM: Jack E. Perkins
Deputy Assistant Attorney General

RE: Statement of Administration Policy on S. 1721

Justice recommends that the second half of the floor statement be amended as follows (inserts are underlined):

In addition, the definition of "special activity" in S. 1721 is objectionable because:

-- it would substantially alter current interpretations of the requirement to report ~~as special activities~~ subject to reporting requirements, all CIA activities that are not solely intended to collect intelligence and ~~as such~~ would include a far broader range of CIA activities than are currently reported; and

-- it is not limited to ~~agencies involved in~~ intelligence activities and may require findings and reports to Congress concerning activities of departments and agencies outside the Intelligence Community that have not been considered special activities ~~cover actions~~ in the past.

We recommend the changes in the first bullet because present law on its face already appears to require the reporting to Congress of almost all CIA activities not solely intended to collect intelligence. However, over the years the executive branch has developed agreements, memoranda of understanding and interpretations of existing law, concurred in by the Intelligence Committees, which in fact limits the scope of the reporting requirement of existing law. We do not want to give the impressions, therefore, that the bill would alter existing law, but, rather, that it would alter existing interpretations of the law.

We recommend changing the second bullet because the bill does not explicitly cover other agencies; it covers activities, some of which are engaged in by agencies outside the Intelligence

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Community. In other words, the bill is activity-specific, not agency-specific. Our changes should clarify this point.